

Meeting Minutes
Town of Waukesha Plan Commission Meeting
W250S3567 Center Road, Waukesha, Wisconsin 53189
Thursday, July 8, 2010 beginning at 6:30 p.m.

1. Call to Order and Pledge of Allegiance.

Present: Chairman Tallinger; Supervisors Smart, German; Engineer Eberhardt, Planner Delacy, Attorney Hammes; Plan Commissioners White, Fischer, Flanagan, Buchholtz and Van Scyoc.

2. Citizen Comments on agenda items only.

There were no comments.

3. Approval of Minutes from June 10, 2010.

MOTION Commissioner White moved to approve the June 10, 2010 minutes, seconded by Commissioner Fischer, All ayes; motion carried.

JOINT PUBLIC HEARING:

4. **TEXT AMENDMENT TO THE TOWN ZONING ORDINANCE:**

Amend Section 13-2-9(i)(24) to allow outside storage maximum of 30% and Section 13-2-4(h)(1) will allow salvage yards by conditional use a maximum of 30% outside storage; and

REZONING:

From R-3(Residential) to I-1 (Industrial) and C-1 (Conservancy) and a Conditional Use Permit Request For Salvage Yard Expansion
Property Located At: W227S2698 Racine Avenue (East Side of STH 164 and CTH Y – Racine Avenue)
Property Owner: RBM Enterprises (B&M Auto)/Michael and Bob Ogrezovich*
Joint Public Hearing: July 8, 2010
Recommendation to the Town Board

Chairman Tallinger read the Joint Public Hearing Amendment and Rezoning into the minutes.

Aaron Koch, Engineer of project gave a brief overview of the hearing. Mike Ogrezovich gave an update of B&M Auto.

Chairman Tallinger asked if there were any public comments:

The following people spoke:

Bill Jansen, 1712 Pac Way, stated he would like a higher fence and it would be pleasing to the eye.

Tim Voler, Wildflower Place LLC, N16W23377 Stoneridge Drive, stated he is here to object. He has concerns with the current operations and asked if there are safeguards to protect the welfare of the neighbors.

Michael Doerr, S51W23661 Turners Pike East, stated he is in support of this to add tax base to this town. He stated the applicants have always been an excellent resident of the town. Also, there are very few ways to think that this project would be bad for the town residents.

Chairman Tallinger asked if anyone else wished to be heard, no one wished to be heard.

Public Hearing was closed at 6:47 p.m.

AMENDMENT OF TOWN ZONING CODE ORDINANCE

Discussion was held and Attorney Hammes clarified the agenda item is to be acted on.

MOTION Commission Flanagan moved to recommend to the Town Board the Text Amendment to the Town Zoning Ordinance: Amend Section 13-2-9(i)(24) to allow outside storage maximum of 30% and Section 13-2-4(h)(l) will allow salvage yards by conditional use a maximum of 30% outside storage with an addition of limiting to salvage yards and all required recommendations, seconded by Commissioner Van Scyoc, all ayes; motion carried.

REZONING

Planner Tom Delacy gave an overview of the rezoning.

Commissioner Fischer questioned the Smart Growth Plan. He stated the property owner needs to apply for a Land Use Plan amendment and if the Town looks favorable to rezoning with the Land Use Plan must be changed before rezoning can be changed.

Planner Delacy gave a timing scenario to the Commissioners regarding the response from County and they would consider in January of next year for the Land Use Plan and Rezoning cannot be effective until after the first of next year.

Engineer Eberhardt stated a two 2 part rezoning and grant rezoning and if county does not go with other plan it would not hold up the rest.

- 1 – consistent with Master Plan
- 2 – The one in abeyance

MOTION Commissioner Buchholtz moved to recommend to Town Board a grant in two part rezoning to move forward and grant the requested rezoning consistent with the Master Plan and one in abeyance and all required recommendations, seconded by Commissioner Flanagan, all ayes; motion carried.

CONDITIONAL USE

Engineer Eberhardt stated the board cannot approve until rezoning goes through, which would take four months, he asked to wait until the town gets a green light from County.

Planner Delacy reviewed the staff review to the Commissioners. Commissioner Van Scyoc verified the proposed fencing height was noted in the staff review. Commissioner Fischer asked about #7, parking landscape lighting plans, with future building plans and expansion. The Commissioners discussed the staff review in detail.

Chief Buchholtz asked to move ahead with the Conditional Use subject to zoning. Attorney Hammes stated the Town Board may approve conditionally as county rezoning.

Attorney Hammes stated the Certified Survey Map is subject to approve. He asked for no action pending county rezoning and recording of Certified Survey Map.

MOTION Commissioner Flanagan moved to Table until property has opportunity to review the staff review conditional use portion, seconded by Commissioner Van Scyoc, all ayes; motion carried.

5. ACCESSORY BUILDING OVER 600 SQ FT

Property Owner: Thomas F. Curtis*

Property Address: W230s4521 Milky Way Rd

Recommendation to the Town Board

Mr. Curtis was present at the meeting for his 900 square foot, three (3) car garage on Milky Way Road. Planner Delacy reviewed the staff review to the Commissioners. The commissioners discussed the gazebo and the roof of the kids play set and verified they will both match the house.

MOTION Commissioner Flanagan moved to recommend to the Town Board the Accessory Building over 600 Sq Ft, Property Owner: Thomas F. Curtis*, Property Address: W230s4521 Milky Way Rd, with all required recommendations, seconded by Commissioner Buchholtz, all ayes; motion carried.

6. PLAN OF OPERATION AND CONDITIONAL USE AMENDMENT

Property Address: S42W22080 Beeheim Road

Property Owner: Canadian National (CN)*

Petitioner: Shaw Environmental, Inc. *

Recommendation to the Town Board

Representative Heidi Wolfer, 111 W. Pleasant St, Milwaukee reviewed the request to the Commissioners. Planner Delacy reviewed the staff report to the Commissioner. Commissioner Buchholtz stated the Knox Box is not in place yet. Commissioner Van Scyoc asked about the co-locating property owner and who is responsible for this property and who are the owners from tower. Also, asked if the Conditional Use document has signatures. Commissioner Buchholtz asked if the Town requires fencing and stated the applicant is doing carpentry work and using scrap wood outside the door. Planner Delacy addressed the commission regarding those issues.

Attorney Hammes stated the Town requires property owner signs acknowledging terms of conditional use permit and if the conditional use is granted the Town would need evidence to whom the owner is and they would have to acknowledge.

The commission discussed how many conditional uses are on this particular property and how to clean up and verified this review would assist in verifying everything.

MOTION Commissioner Van Scyoc moved to table the Plan of Operation and Conditional Use Amendment, Property Address: S42W22080 Beeheim Road, Property Owner: Canadian National (CN)*, Petitioner: Shaw Environmental, Inc. *, to gather more information, seconded by Commission Smart, all ayes; motion carried.

TABLED ITEM:

7. PLAN OF OPERATION

Petitioner: Royal Lawns, LLC

Business Owner: Shane Leonard *

Property Address: W246S3151 Industrial Lane Bldg A

Property Owner: Richard Alexander

Tabled by Plan Commission – June 10, 2010

Recommendation to the Town Board

Business owner Shane Leonard appeared and verified all of Fire Chief's recommendations have been updated.

MOTION Commissioner Buchholtz moved to remove the tabled item Plan of Operation, Petitioner: Royal Lawns, LLC, Business Owner: Shane Leonard *, Property Address: W246S3151 Industrial Lane Bldg A, Property Owner: Richard Alexander, Tabled by Plan Commission, June 10, 2010, seconded by Commissioner Flanagan, all ayes; motion carried.

MOTION Commissioner Buchholtz moved to recommend to the Town Board the Plan of Operation, Petitioner: Royal Lawns, LLC, Business Owner: Shane Leonard *, Property Address: W246S3151 Industrial Lane Bldg A, Property Owner: Richard Alexander, with an amendment to the parking to include outside storage for single 8X10 trailer with all recommendations, seconded by Commissioner Flanagan, all ayes; motion carried.

8. Update by Tom Delacy, Independent Inspections, on Site Compliance Inspection for property located at W246S3151 Industrial Lane, Richard Alexander, Property Owner

Tom Delacy gave an update on Site Compliance Inspection for Richard Alexander's properties. Commissioner Van Scyoc stated she has not received a non-compliance report and asked why the commission is not going through as they use to do previously.

9. ADJOURNMENT

MOTION Commissioner Van Scyoc moved for adjournment at 7:43 p.m., seconded by Commissioner Flanagan, all ayes; motion carried.

Respectfully Submitted,

Jamie Salentine in lieu of Kathy Karalewitz
Clerk-Treasurer